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APR 04 2005

OFFICE OF PETITIONS

In re Application of :
Terry L. Gilton :
Application No. 09/177,814 :
Filed: October 34, 1998 : ON PETITION
Title of Invention: :
SEPARATION APPARATUS :
INCLUDING POROUS SILICON :
COLUMN :

This is a decision on the Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137(b), filed February 17, 2005.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed July 27, 2004. The Office action set a three (3) month period for reply.

Applicant filed a response to the Office action on September 30, 2004 (Certificate of Mailing dated September 27, 2004); however, the response failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action mailed January 26, 2005.

Because Applicant filed his response to the final Office action within two (2) months of the date of the final Office action, Applicant was given to the later of three (3) months from the mail date of the Office action, or the mail date of the Advisory Action, to timely and properly reply to the Office action. Accordingly, the application became abandoned on the mail date of the Office action, January 26, 2005. See, MPEP 706.07(f). The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the instant petition, Applicant has filed a Request for Continued Examination ("RCE"). The required submission, an Amendment, has been previously filed on September 27, 2004.

Having found that all of the requirements for a grantable petition under 37 CFR 1.137(b) have been met, **this petition is hereby granted.**

This application is being referred to Technology Center Art Unit 1641 for processing of the RCE and Amendment in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.



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